

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

**BRETT L. ELIASON, VERONIQUE
ELIASON, KYLIE M. ELIASON, and
BRITTNIE L. ELIASON,**

Plaintiffs,

vs.

**KIRTON MCCONKIE, P.C., CRAIG
MCCULLOUGH, MARK ELIASON,
LAURIE ELIASON, BRYAN
STEPHENS, ELIASON ENTERPRISES,
ELIASON EIGHT LLC, and LISA
STEPHENS,**

Defendants.

REPORT & RECOMMENDATION¹

Case No. 2:24-cv-00115

United States District Judge Tena Campbell

Magistrate Judge Dustin B. Pead

On July 18, 2024, the Court issued a Ruling and Order granting Defendants' Motion to Quash based on Plaintiffs' failure to properly serve the correct entities and individuals.² In doing so the court extended the deadline, allowing Plaintiffs until August 1, 2024 to effect proper service on Defendants. As of this date, service has not been effected and the deadline to do so has passed. As a result, the Court RECOMMENDS dismissal of Plaintiffs' action without prejudice.³

¹ District Judge Tena Campbell referred this case to Magistrate Judge Dustin B. Pead pursuant to 28 U.S.C. § 636(b)(1)(B). See, ECF No. 12; Order Referring Case.

² ECF No. 40, Memorandum Decision & Order.

³ On June 12, 2024, District Court Judge Ted Stewart issued a Vexatious Litigant Order against Brett Eliason. See *Eliason v. The Corporation of the President of the Church of Jesus Christ of Latter Day*

Copies of this Report and Recommendation are being sent to all parties, who are hereby notified of their right to object.⁴ The parties must file an objection to this Report and Recommendation within fourteen (14) days after receiving it.⁵ Failure to object may constitute a waiver of objections upon subsequent review.

Dated this 12th day of August 2024.

BY THE COURT:



Dustin B. Peard
U.S. District Magistrate Judge

Saints, 2:23-cv-785; ECF No. 114, Vexatious Litigant Order. In the Order, Judge Stewart placed restrictions on Mr. Eliason's ability to bring new *pro se* cases in this District. Although dismissal of this action is without prejudice, any new filings are subject to the conditions of Judge Stewart's Order.

⁴ See 28 U.S.C. §636(b)(1), Fed. R. Civ. P. 72(b).

⁵ *Id.*